

## **REMARKS**

Applicants will address each of the Examiner's objections and rejections in the order in which they appear in the Office Action.

### **Specification**

In the Office Action, the Examiner objects to the Abstract for informalities therein. In response, Applicants are amending the Abstract herein and submit that these amendments overcome the Examiner's objections. Therefore, it is respectfully requested that this objection be withdrawn.

### **Claim Rejections - 35 USC §112**

The Examiner also rejects Claims 6, 12, 18, 19, 24, and 30 under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

More specifically, the Examiner objects to the markush group in the above claims and suggests that the term "or" be inserted instead of "and." Applicants respectfully disagree. According to MPEP §2173.05(h), "[a]lternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims. One acceptable form of alternative expression, which is commonly referred to as a Markush group, recites members as being "selected from the group consisting of A, B and C." See *Ex parte Markush*, 1925 C.D. 126 (Comm'r Pat. 1925)."

Therefore, claims 6, 12, 18, 19, 24 and 30 are consistent with MPEP §2173.05(h), and it is respectfully requested that this rejection be withdrawn.

### Claim Rejections - 35 USC §102

The Examiner also rejects Claims 1-6 and 25-30 under 35 USC §102(e) as being anticipated by Yamazaki et al. (US 2003/0162314). This rejection is also respectfully traversed.

Applicants respectfully submit that Yamazaki '314 is not prior art to the present application. Yamazaki '314 was published on August 28, 2003 based on an application filed in the U.S. on February 24, 2003.

In contrast, the present application was filed in the U.S. on July 17, 2003 and claims the benefit under 35 USC §119 to Japanese application no. 2002-217248 filed on July 25, 2002 in Japan. A certified copy of this Japanese priority application was filed in the present application with the filing of the application on July 17, 2003.<sup>1</sup>

As this priority date is prior to the U.S. filing date of Yamazaki '314, Yamazaki '314 is not prior art under 35 USC §102(e) to the present application. Accordingly, it is respectfully requested that this application be withdrawn.

### Claim Rejections - 35 USC §103

The Examiner also has the following rejections under 35 USC §103:

- A. Claims 7-18 are rejected as being unpatentable over Yamazaki et al.'314.
- B. Claims 19-24 are rejected as being unpatentable over Yamazaki et al. '314 in view of Yamagata et al. (US Publ. 2002/00110940).
- C. Claims 31-36 are rejected as being unpatentable over Yamazaki et al. '314 in view of Yamazaki et al. (US 6,815,723).

These rejections are respectfully traversed.

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<sup>1</sup> Applicants are preparing a verified English translation of Japanese priority application no. 2002-217248 and will submit it as soon as it is completed.

In particular, as explained above, Yamazaki '314 is not prior art to at least Claims 7-24 of the present application. In addition, Yamazaki '314, which can only qualify as prior art under 102(e), cannot preclude patentability under 35 USC §103(c), as Yamazaki '314 and the claimed invention were, at the time the claimed invention was made, subject to an obligation of assignment to the same person (i.e. Semiconductor Energy Laboratory Co., Ltd.).

Accordingly, it is respectfully requested that this rejection be withdrawn.

Information Disclosure Statement

Applicants are filing an information disclosure statement (IDS) herewith. It is respectfully requested that the Examiner enter and consider this IDS prior to the issuance of any further action on this application.

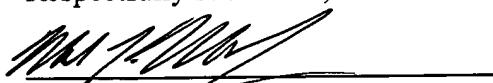
Conclusion

Accordingly, it is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee is due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,



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